



Union Territory of Jammu & Kashmir  
Office of the Divisional Commissioner, Jammu  
(Rail Head Complex, Jammu)

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Subject: Fixation of seniority list of Sham Lal, Girdawar as per directions issued by the Hon'ble High Court in SWP No. 268/2016, MP No. 1/2016 in case titled Sham Lal Vs State of J&K & Ors and CPSW No. 90/2017 titled Sham Lal V/s Mohd. Ashraf Mir & Ors.

**ORDER**

WHEREAS, one Sham Lal, Girdawar has represented for re-fixation of his seniority in the light of the directions passed by the Hon'ble High Court dated 18.02.2016 in SWP No. 268/2016, MP No. 1/2016 case titled Sham Lal V/s State of J&K & Ors for giving benefit of promotion from the date his batchmates were promoted. The Hon'ble High Court has passed the directions vide order dated 18.02.2016, operative part of which is reproduced as under:

*"MP disposed of with an observation that the respondents shall be at liberty to accord consideration to the case of the petitioner for re-fixation of his seniority as shall be permissible under J&K Civil Services Decentralization and Recruitment Act, 2010 and thereafter to pass appropriate orders preferably within four weeks."*

AND WHEREAS, in the meantime, in pursuance to the Hon'ble High Court Order dated 17.08.2017 in SWP No. 1221/2013 MP Nos. 1/2017 & 1772/2013 titled Mohan Lal & Ors V/s State of J&K and Ors, a re-framed seniority list of Patwaries was issued vide Notification No. DIVCOMJMU(ESTT) 11 of 2018 dated 07.05.2018 issued under endorsement No. 101/3305/18/749-60 dated 07.05.2018, and the case of Sham Lal, Girdawar was also considered and accordingly, he was placed at S. No. 294 below the name of Rashid Mohd. who was figuring at S. No. 293 and above the name of Rajesh Bali figuring at S. No. 295 in the said seniority list;

AND WHEREAS, Sham Lal, Girdawar, at present posted in GQ Circle Ghou Manhasan, Tehsil Marh has submitted a representation dated 22.12.2021 for grant of notional benefit of seniority as Girdawar w.e.f. 21.12.2009 in light of the order passed by the Hon'ble High Court dated 16.12.2021 in CPSW No. 90/2017 titled Sham Lal V/s Mohd. Ashraf Mir & Ors, which is reproduced in verbatim:

*"Learned counsel for the petitioner has placed on record communication No. 101/3108/GQ/20/5598-99 dated 01.07.2020 from Assistant Commissioner (Central) with Divisional Commissioner, Jammu. In the light of the same, learned counsel for the petitioner submits that the case of the petitioner may also be considered by the concerned authority. In view of*

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*[Signature]*  
04/04/22

*the aforesaid communication, the respondents shall consider the case of the petitioner without prejudice to the claim of any other person within six weeks."*

AND WHEREAS, keeping in view the above facts, before considering the claim of Sham Lal, Girdawar for giving benefit of seniority as Girdawar w.e.f. 21.12.2009, objections have been called from the concerned Girdawars vide Notice No. 101/3108/GQ/6590-99 dated 26.02.2022 within a period 21 days from the date of publication of said notice, no objection have been received from any of the concerned Girdawars till date;

THEREFORE, the seniority of Sh. Sham Lal, Girdawar is hereby re-fixed w.e.f. 21.12.2009 by placing him at S. No. 101-A (below the name of Rashid Mohd. S. No. 101 and above the name of Rajesh Kumar Bali Sno. No. 102) in the latest final seniority list of Girdawars issued vide No. DIVCOMJMU(ESTT) 05 of 2019 dated 05.02.2019 as it stood on 01.01.2019, duly updated and conveyed to Financial Commissioner (Rev), J&K vide communication No. 102/96/Snty/GQ/21/28 dated 26.06.2021. The seniority so fixed shall be subject to final outcome of the various writ petition(s), if any, pending in the Court of law.

**Issued with the approval of competent authority.**

No. 101/3108/KO/22/84-105  
Dated. 04.04.2022

*[Signature]* 04/04/22  
Asstt. Commissioner (Central),  
With Divisional Commissioner,  
Jammu

Copy to the:-

1. Financial Commissioner (Rev), J&K Govt. Jammu for kind information.
2. Commissioner Secretary to the Govt. Revenue Department, J&K, Jammu for kind information.
3. All Deputy Commissioners of Jammu Division for information.
4. Regional Director, Survey & Land Records, Jammu/ Rajouri/ Udhampur/ Doda for information.
5. Additional Deputy Commissioner, Bhaderwah/ Basohli/ Biliawar/ Kaiakote/ Koternaka/ Nowshera/ Sunderbani for information.
6. Joint Director, Information Department, Jammu with request to publish the notice that the above order may kindly be published in three leading newspapers.
7. All SDM of Jammu Division for information.
8. All Tehsildar of Jammu Division for information.
9. Sh. Sham Lal, Girdawar for information.
- ✓ 10. I/C website for uploading on the official website of Divisional Commissioner office Jammu.

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